

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JANUARY 7, 2016

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

January 8, 2016 @ 9:30 a.m.:

- a. Boston Billiard Club, 55 Northeastern Blvd., Nashua, NH.
Billiards/Pool Hall/Sports Entertainment License #6012305 licensed pursuant to RSA 178:22, V(t)/RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 14, 2015.
Case #: 15-325-OF.

January 22, 2016 @ 9:30 a.m.:

- b. Keith Murphy's Taproom, 494 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1333403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: October 16, 2015.
Case #: 15-412-OF.

January 22, 2016 @ 10:30 a.m.:

- c. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; MOTION GRANTED.

January 22, 2016 @ 11:00 a.m.:

- d. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

January 22, 2016 @ 11:30 p.m.:

- e. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 13, 2015.
Case #: 15-153-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE LICENSEE AND GRANTED; NEW HEARING DATE IS 1/22/16 @ 11:30 A.M.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Canoe Club Of Hanover, 27 South Main Street, Hanover, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1251903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violation: May 21 - 22, 2015.
Case #: 15-295-OF.
An administrative fine of \$1,000 with \$500 held in abeyance for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing January 26, 2016 with re-grant on January 29, 2016 and Lee Daniel Levitt shall attend a Total Education in Alcohol Management (TEAM) seminar by January 31, 2016.
- b. Rimmon Club, 595 Dubuque Street, Manchester, NH.
Social Club License #12001 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file club financial report by the 15th of the following month.
Date of violation: December 2, 2015.
Case #: 15-455-OF.
An administrative fine of \$100.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

None

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

None

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 4, 2016: 1,153

- a. Elegance Properties LLC DBA Eleven Eleven Wines, 620 Trancas Street, Napa, CA 94558.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- b. Pellegrini Ranches, Inc., 4055 West Olivet Road, Santa Rosa, CA 95401.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- c. Winery at Wynridge Farm LLC DBA Wyndridge Farm Brewing,
885 South Pleasant, Dallastown, PA 17313.
To be issued Beverage Vendor License #76431 pursuant to RSA 178:15.
Manufacturer: Wynridge Farm Brewing.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Cumberland Farms, Inc. DBA Cumberland Farms 5409, 22 East Broadway Street, Derry, NH 03038. Combination Off-Premise Beverage/Wine/Tobacco License #859547. Licensed pursuant to RSA178:18 and RSA 178:19-a. Date petition received: 12/30/2015. Requested permission to transfer alcohol inventory to a new location, to wit, from Cumberland Farms 5409 of Derry, License #859547 to Cumberland Farms 5400 of Hudson, License #867447 located at 189 Central Street, Hudson, NH 03051 due to the store closing and remodeled at the Derry location in accordance with their letter dated 12/30/2015 and pursuant to RSA 178:29, VIII.
- b. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301. Restaurant On-Premise Beverage/Wine/Liquor License #1404103. Licensed pursuant to RSA 178:21. Date petition received: 12/29/2015. Requested approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 from 6:00 pm on December 31, 2015 to 1:00 a.m. on January 1, 2016, sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

- a. Cumberland Farms, 308 DW Highway, Nashua, NH. Combination Off-Premises Beverage/Wine/Tobacco License #3077447 licensed pursuant to RSA 178:18/RSA 126-K:4. Requested approval for a Felon Exception for Keith Arsenault as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c). Case #: 15-424-OF.
- b. T-Bones Bedford, 124 Bedford Center Road, Suite B, Bedford, NH. Restaurant Full Service With Lounge License #1353203 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q). Requested approval for a Felon Exception for Brandon Miville as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c). Case #: 15-400-OF.

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH. Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q). Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts. Dates of violations: October 13, 2014 & December 28, 2014. Case #s: 14-400-OF & 15-7-OF.

HEARING WAS HELD SEPTEMBER 17, 2015.

OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.

THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING.

RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.

11/24/15, NOTICE OF DECISION REGARDING DOE'S OBJECTION AND FINAL DECISION AND ORDER ISSUED BY THE COMMISSION; RECOMMENDED PENALTIES REQUESTED OF BOTH PARTIES BY 12/2/15;

ASSENTED-TO MOTION TO EXTEND DEADLINE FOR RECOMMENDED PENALTIES FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION; RECOMMENDATIONS ARE DUE BY 12/10/15.

DECISION DATED 12/11/15 - A FINE OF \$2,000 IS IMPOSED WITH \$1,000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE CONDITION OF NO LIKE VIOLATIONS. THE FINE OF \$1,000 SHALL BE PAID WITHIN 30 DAYS; A SUSPENSION OF 10 DAYS IS IMPOSED WITH 8 DAYS HELD IN ABEYANCE FOR A PERIOD OF 12 MONTHS ON THE CONDITION OF NO LIKE VIOLATIONS. THE IMPOSED SUSPENSION SHALL COMMENCE AT 12:00 A.M. ON DECEMBER 21, 2015 WITH A RE-GRANT ON DECEMBER 23, 2015 AT 12:00 A.M.; FOUR POINTS SHALL BE ASSESSED TO LIQUOR LICENSE #1476403; ALAN YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR (MTS) NO LATER THAN JANUARY 30, 2016; AND JASON YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR NO LATER THAN JANUARY 30, 2016.

MOTION TO STAY PENALTY FILED BY LICENSEE ON DECEMBER 21, 2015.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Boston Beer Corporation DBA Boston Beer Company,
One Design Center Place, Suite 850, Boston, MA 02210.
Beverage Vendor License #29931 licensed pursuant to RSA 178:15.
Date petition received: 12/31/2015.

Requests approval of Angry Orchard Orchard's Edge Notty Pear Hard Cider with an alcohol content of 6.66% at 60 degrees Fahrenheit by volume and Angry Orchard Orchard's Edge The Old Fashioned Hard Cider with an alcohol content of 6.80% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.

Recommendation: Approval.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Assumption Greek Orthodox Church, 111 Island Pond Road, Manchester, NH 03109.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).

Event date: 12/31/2015.

Recommendation: Expedited approval.

Commission approved on 12/29/2015.